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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**18-CV-01170** JCCRoger Lamar Williams IICASE NO. \_\_\_\_\_  
[to be filled in by Clerk's Office]

## COMPLAINT FOR A CIVIL CASE

Jury Trial: ☐ Yes ☐ No

Plaintiff(s),

v.

City of Seattle, Q. Martin, R. Behn\_\_\_\_\_  
FILED ENTERED  
\_\_\_\_\_  
LODGED RECEIVEDKimberly Sharkey, William C**AUG 09 2018 CA**Schwarz, Kallie Ferguson,

Defendant(s).

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY \_\_\_\_\_ WESTERN DISTRICT OF WASHINGTON DEPUTY**I. THE PARTIES TO THIS COMPLAINT****A. Plaintiff(s)***Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.*

Name	<u>Roger Lamar Williams II</u>
Street Address	<u>10885 Dixon Drive S</u>
City and County	<u>Seattle King County</u>
State and Zip Code	<u>WA 98178</u>
Telephone Number	<u>(206) 775-0351</u>

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## 1 B. Defendant(s)

## 3 Defendant No. 1

4 Name City of Seattle

5 Job or Title (*if known*)6 Street Address 600 4<sup>th</sup> Avenue

7 City and County Seattle King County

8 State and Zip Code WA 98104

9 Telephone Number

## 10 Defendant No. 2

11 Name Q. Martin

12 Job or Title (*if known*) SPD Officer (#7696)13 Street Address 610 5<sup>th</sup> Avenue

14 City and County Seattle King County

15 State and Zip Code Washington 98104

16 Telephone Number 206-625-5011

## 17 Defendant No. 3

18 Name R. Behn

19 Job or Title (*if known*) SPD Officer (#7717)20 Street Address 610 5<sup>th</sup> Avenue

21 City and County Seattle King County

22 State and Zip Code Washington 98104

23 Telephone Number 206-625-5011

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## Defendant No. 4

Name	Kimberly Sharkey
Job or Title ( <i>if known</i> )	Public Defender - TDA
Street Address	810 3 <sup>rd</sup> Ave, Ste. 800
City and County	Seattle, King County
State and Zip Code	Washington 98104
Telephone Number	206-477-8700

## Defendant No. 5

Name	William C. Schwarz
Job or Title ( <i>if known</i> )	Public Defender – Northwest Public Defense
Street Address	1109 First Avenue, Suite 300
City and County	Seattle, King County
State and Zip Code	Washington 98101
Telephone Number	206-674-4700

## Defendant No. 6

Name	Kallie Ferguson
Job or Title ( <i>if known</i> )	Public Defender - TDA
Street Address	1109 First Ave Suite 300
City and County	Seattle, King County
State and Zip Code	Washington 98101
Telephone Number	206-477-8475

**II. BASIS FOR JURISDICTION**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases

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1 involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under  
 2 the United States Constitution or federal laws or treaties is a federal question case. Under 28  
 3 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and  
 4 the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of  
 5 citizenship case, no defendant may be a citizen of the same State as any plaintiff.

6 What is the basis for federal court jurisdiction? (*check all that apply*)

7 ☒ Federal question ☐ Diversity of citizenship

8 Fill out the paragraphs in this section that apply to this case.

9 A. If the Basis for Jurisdiction Is a Federal Question

10 List the specific federal statutes, federal treaties, and/or provisions of the United States  
 11 Constitution that are at issue in this case.

12 42 U.S.C. § 1983 – Deprivation of any rights, privileges, or immunities secured, or  
 13 immunities secured by the Consitution and federal laws

14  
 15 1. The Amount in Controversy.

16 The amount in controversy-the amount the plaintiff claims the defendant owes or the  
 17 amount at stake-is more than \$75,000, not counting interest and costs of court, because (*explain*):

18 \$80,000.00 Civil Rights claim

### 20 III. STATEMENT OF CLAIM

21 On March 29, 2016, I was stopped by SPD Officer Behn in the city of Seattle for driving  
 22 under the influence. I do not have any other driving under the influence charges or allegations in  
 23 my lifetime. On that date, I was taken into the Seattle Police station and consented to a breath  
 24 test. However, the readings were not coming out as the officers had expected and they did not

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1 record the numbers the machine was registering for the second sample as indicated in the police  
2 report it was recorded as an invalid sample and mistakenly marked off that I refused. I did  
3 provide a second sample as shown on the recording. The officer incorrectly marked the DUI  
4 report as a refusal. Officer Behn never tried to give me a sobriety test.

5 Due to the "invalid samples," I was taken to Harborview for further testing. There was  
6 no paperwork filled out at this time as there should have been. It was filled out later after I was  
7 taken home. The doctors did not sign the paperwork and SPD signed in their stead. There are  
8 wrong dates on the paperwork. There was no paperwork given to me to sign. The officers just  
9 wrote down that I was handcuffed. After giving a blood sample, I was taken to my home.

10 My paperwork was not completed correctly and I did not receive copies of my paperwork  
11 that I should have been released with until a week before trial after being incarcerated.  
12 Charges were filed on March 31, 2016. I never received a ticket with a court date. The officer  
13 completed the ticket later, putting an incorrect date of March 3, 2016 on the citation ticket for the  
14 DUI. As such, I missed the hearing and a \$15,000 warrant was issued for my arrest for my arrest  
15 on a first time DUI charge because the judge thought that I must have had 2 DUI arrests within 9  
16 days when in fact, there hadn't been a hearing yet on my first charge.

17 On April 9, 2016, the police saw me at the park and arrested me on the warrant from the  
18 missed court date that I was unaware of. I was booked into jail with a \$15,000 warrant. I am  
19 indigent and was unable to post that amount, leaving me stranded in jail until June 2, 2016. The  
20 judge issued this warrant because he thought I may have received two DUIs in a short time  
21 period due to Officer Behn writing the wrong date on the citation.

22 Evidence was not provided in my case during discovery in a timely manner. While I was  
23 in jail, they found the video and provided it about mid to end of May but were still looking for  
24 more evidence against me at that time. They ran out of time to bring the blood sample in as

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1 evidence. The blood sample was not mine as it did not have any of my prescription medications  
2 in the toxicology report. I believe they forged the nurses signature. I never signed the receipt. I  
3 never received a receipt of the blood sample until a week before trial as my 60 days were almost  
4 up.

5 Before being arrested, I properly requested a hearing with the Department of Licensing to  
6 address my license suspension. I was granted a hearing date. However, when I was taken into  
7 custody I missed my hearing date, causing a default judgment to be entered against me even  
8 though it was clearly not a refusal. I also missed my deadlines to appeal or ask for a motion to  
9 reconsider for my license because I was still being held in-custody.

10 Ultimately, my charge was reduced to reckless endangerment and I entered into a plea on  
11 August 16, 2016. On that date, Judge Donohue issued an agreed order declaring that my DUI  
12 was never supposed to be a refusal and the refusal box was checked in error. However, DOL has  
13 refused to give me a new hearing or consider any of the evidence. Officer Behn has also refused  
14 to correct any paperwork.

15 Because Officer Behn did not give me a court date immediately, I missed my hearing  
16 date, causing a warrant to be issued and causing me to be held in jail for 59 days on my first time  
17 DUI charge. Proper procedures for were not followed while obtaining my breathalyzer and blood  
18 sample. I set this case for trial, but the City of Seattle did not provide all of the evidence in my  
19 case until a week before trial. Sentencing guidelines for a first time offense were not followed  
20 and I ended up spending more time in jail than I would have if I had been convicted of a DUI. I  
21 had 3 different public defenders and saw 3 judges and believe my civil rights were violated.

22 I also lost my license and my ability to correct my license suspension because of Officer  
23 Behn's mistakes. Officer Behn's mistakes caused me to lose my job, prevented me from seeing  
24 my kids on a regular basis, and severely restricted my ability to get around and take care of daily

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1 business. I am disabled and unable to walk far distances and my vehicle is very important in  
2 being able to get to doctors' appointments, the grocery store, and other necessary appointments.  
3 Being disabled and on disability, I am also unable to afford the extra SR-22 insurance or retake  
4 the driver's test to get my license back. While in jail, I was also not receiving proper pain  
5 medication, which caused great physical pain, all of this stemming from the City's errors.

#### 7 IV. RELIEF

8 I am seeking damages both actual and punitive for the violation of my civil rights. I was  
9 denied my freedom. I lost my part time job which I could earn \$500 to \$600 per month, I owe  
10 Social Security an overpayment of \$993.61. I lost my drivers license and can not afford the  
11 increased car insurance required due to defendant's actions. I was not given proper pain  
12 medication in jail. Being a chronic pain patient, it has caused me a lot of undue burdens and pain  
13 and suffering.

#### 14 V. CERTIFICATION AND CLOSING

15 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my  
16 knowledge, information, and belief that this complaint: (1) is not being presented for an improper  
17 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;  
18 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or  
19 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so  
20 identified, will likely have evidentiary support after a reasonable opportunity for further  
21 investigation or discovery; and (4) the complaint otherwise complies with the requirements of  
22 Rule 11.

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1 I agree to provide the Clerk's Office with any changes to my address where case-related  
2 papers may be served. I understand that my failure to keep a current address on file with the  
3 Clerk's Office may result in the dismissal of my case.

4 Date of signing:

8/9/18

5 Signature of Plaintiff

Roger R. Williams II

6 Printed Name of Plaintiff

ROGER L. WILLIAMS II